

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.:	2325
)		
Guy DROUIN, et al.)	Group Art Unit:	3662
)		
Application No.: 10/733,439)	Examiner: Ian J. Lobo	
)		
Filed: December 12, 2003)		

For: ULTRASONIC LOCATOR SYSTEM AND METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to an Election/Restriction Requirement mailed December 21, 2007, Applicants elect, with traverse, Group I, comprising claims 1-17, drawn to an ultrasonic transmitter, classified in class 367, subclass 137.

According to the M.P.E.P. § 803, if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it may include claims to independent or distinct inventions. The Examiner must show that there would be a serious burden if the restriction is not required. Applicants respectfully submit that the Examiner nowhere contends, let alone demonstrates, that a search of all the pending claims would be a serious burden. Further, at the Examiner's disposal are powerful electronic search engines providing the Examiner with the ability to quickly and easily search all of the claims. Applicants, therefore, respectfully request withdrawal of the restriction requirement and examination of all pending claims.

1. Groups I and II share the same class. Additionally, independent claim 18 recites features (e.g., micro-modulated frequency shifted ultrasonic signal) similar to features recited in independent claim 1. Therefore, it is believed that all of claims 1-25 can be examined without undue burden, as per MPEP Section 803.

2. Restriction is proper only when the claims are independent and distinct.

a). Here, the restriction is improper because the inventions of at least independent claim 1 and independent claim 18 are not "independent" (MPEP 802.01), because the Examiner admits (in paragraph 2), the inventions of Groups I and II are related as process and apparatus for its practice.

b). The restriction is also improper because the inventions of Groups I and II are not distinct. Instead, as noted above, they are connected in at least design, operation or effect; and the Office Action fails to show that either of the inventions of independent claim 18 and at least independent claim 1 is patentable (novel and nonobvious) over the other. Moreover, the Examiner's statement "....the apparatus as claimed can be used to practice another and materially different process such as cement bond in a borehole logging system," lacks support and merit. For example, the words "cement," "borehole," and "logging" appear nowhere in Applicant's specification; and the Examiner has provided no proof that the apparatus of Group I could be used as stated in the Office Action.

Should Examiner believe anything further is necessary to place the application in even better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below. In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

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